

MANTANONA
LAW OFFICE

BankPacific Building, 2nd Floor
825 South Marine Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777

FILED
DISTRICT COURT OF GUAM
AUG 24 2005

MARY L.M. MORAN
CLERK OF COURT

Attorney for **Christopher M. Espinosa**

**DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

UNITED STATES OF AMERICA,)	Criminal Case No. 05-00053
)	
vs.)	
)	MEMORANDUM IN SUPPORT OF
CHRISTOPHER M. ESPINOSA. et al.)	DEFENDANT ESPINOSA'S SECOND
)	MOTION TO COMPEL DISCOVERY
Defendant.)	

MEMORANDUM OF POINTS AND AUTHORITIES

STATEMENT OF FACTS

1. The defendant has been provided initial discovery which indicates that the drugs alleged to have been sent by Defendant Espinosa was seized pursuant to a search warrant at a Guam Postal Facility.
2. It appears that the government intends to use such items at trial.
3. The defendant has not been provided with the Affidavit of Probable Cause relevant to the search warrant issued and executed on June 17, 2005.

ARGUMENT

The defendant must review the requested documents to determine if the items seized are admissible and or should be suppressed. The defendant believes such a

3 review is vital to his preparation for his defense at trial and deciding what motions to file.

4 A motion to suppress must be made before trial Federal Rules of Criminal
5 Procedure. Rule 12(b)(3)(c):

6 (3) Motions that must be made before trial. The following must be raised
7 before trial:

8 (c) A motion to suppress evidence.

9 Further, a Motion to Suppress is allowable pursuant to Fed. R. Crim. P. 41(h). For
10 Defendant Espinosa to bring such a motion, Defendant will need to be provided with the
11 Affidavit of Probable Cause.

12 CONCLUSION

13 Defendant respectfully request that his second motion to compel discovery be
14 granted and that he shall be provided a copy of the Affidavit of Probable Cause relevant to
15 the search warrant issued and executed on June 17, 2005 at a Guam Postal Facility.

16
17 Dated this 23 day of August, 2005.

18 MANTANONA LAW OFFICE
19 Attorney for **Christopher M. Espinosa**

20
21 By:

22 
23 RAWLEN M T MANTANONA, ESQ.
24 A duly licensed attorney
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